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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 1576 /06 SINGLE BENCH

PETITIONER

1. Sadhuram Yadav S/o Bansilal Yadav aged about 58 years R/o Village Ragja Tah. Sakti District Janjgir-Champa. C.G.

2. Neel Singh Gond S/o Buturam Gond aged about 52 years Occupation-Service (Daily paid employee in PWD) R/o Gargodih Post office & Tah. Sakti District Janjgir-Champa C.G

3. Smt. Malti Bai D/o Puniram Yadav W/o Sadhu Ram Yadav aged about 56 years R/o Village Raga Tah & Post Office Sakti District Janjgir Champa C.G.

4. Mahettar Ram Yadav S/o Vishambher Yadav aged about 54 years R/o Village Dongiya Parotha Tah. Sakti District Janjgir champa C.G.

5. Smt. Firo Bai D/o Bishnu Ram aged about 52 years R/o Village Dongiya Parotha Tah. Sakti District Janjgir champa C.G.

6. Smt. Deo Mati Rawat D/o Akti Ram Rawat W/o Tiharu aged about 53 years R/o Village Dongiya Parotha Tah. Sakti District Janjgir champa C.G.

P.R. No. 1520/06
Presented by Shri Y Chaturvedi
dated 22/3/06

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VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary & Ministry of Public Works Department D.K.S. Bhawan Raipur C.G

2. Chief Engineer Public Work Department, Bilaspur C.G.

3. Superintendent Engineer Public Work Department, Bilaspur C.G.

4. Executive Engineer Public Work Department Champa Division District- Janjgir-Champa C.G.

5. Sub-Divisional Officer Public Work Department Sub-Division Janjgir Champa C.G.

WRIT PETITION UNDER ARTIC ALE 226/227 OF THE

CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1576 OF 2006

Petitioners : Sadhu Ram and others.

Versus

Respondents : State of C.G. and others.

Shri Y. Chaturvedi, counsel for the petitioners.

Shri Sushil Dubey, Government Advocate for the respondents.

ORAL ORDER

(29th March, 2006)

1. The petitioners, employed as Gang Men, were retired on completion of 30 years of service. The petitioners filed a writ petition being W.P. No. 1928/2004, seeking a relief to direct the respondents to retire the petitioners on superannuation at the age of 60 years.

2. This Court while hearing the above mentioned writ petition along with other petitions wherein, the same issue was involved, directed the respondents to allow Gang Men, who had retired on completion of 30 years of service to rejoin the services and continue till they attain the age of 60 years.

3. On the question of regularization the petition was rejected reserving liberty to the petitioners to raise the

issue of regularization before appropriate forum, if necessary.

4. The State Government by order dated 30.3.2005 deleted the clause 'who on completion of 30 years of service' for retirement in the case of Gang men with prospective effect. However, this Court after having considered the facts and circumstances of the case and order/circular dated 30.3.2005 directed the respondents to consider even those cases where Gang men had retired prior to 30.3.05, and to permit them to continue till they attain the age of 60 years. The petitioner was granted relief accordingly.

5. In the present case the petitioners have sought for payment of back wages from the date of his retirement on completion of 30 years of service till date of reinstatement, pursuant to the order dated 20th September, 2005, passed by this Court in earlier petition W.P. No. 1928/2004, filed by the petitioners.

6. In the facts and circumstances of the case, when the petitioner had no right to be reinstated and the petitioner was allowed to continue on the basis of subsequent order dated 30.3.2005 which was made effective w.e.f. 30.3.2005. Direction to make payment of back wages to the petitioner on a simple principle of 'no work no pay', would defeat the purpose of the order/circular dated 30.3.2005 read with order dated 20.9.2005, passed by this Court.

7. Having regard to the facts and circumstances of the case and material on record, this petition deserves to be dismissed. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge